

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #5	CCRB Case #: 201800858	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/29/2018 10:45 AM	Location of Incident: Over the telephone; inside 235 East 20th Street.	Precinct: 13	18 Mo. SOL 7/29/2019	EO SOL 7/29/2019	
Date/Time CV Reported Mon, 01/29/2018 10:22 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 01/29/2018 10:22 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Dawn Mabrygibbs	07321	911991	PB CAS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Yuseff Hamm	05967	928455	PB CAS

Officer(s)	Allegation	Investigator Recommendation
A.POF Dawn Mabrygibbs	Off. Language: Police Officer Dawn Mabrygibbs made remarks to § 87(2)(b) based upon race.	
B.POF Dawn Mabrygibbs	Discourtesy: On January 29, 2018, inside of 235 East 20th Street, Police Officer Dawn Mabry-Gibbs spoke discourteously to § 87(2)(b)	

Case Summary

On January 29, 2018, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On December 19, 2017, § 87(2)(b) who was applying to become a School Safety Agent, received a call from PO Dawn Mabry-Gibbs of the Applicant Processing Division. While speaking with § 87(2)(b) PO Mabry-Gibbs stated, “You people always do this” (**Allegation A: Offensive Language**, § 87(2)(g)). On January 29, 2018, § 87(2)(b) went to the Applicant Processing Division for an interview with PO Mabry-Gibbs. While interviewing § 87(2)(b) PO Mabry Gibbs told § 87(2)(b) that he was a “piece of shit,” a “fat fuck,” and asked him what the “fuck” he was looking at (**Allegation B: Discourtesy**, § 87(2)(g)). There is no video evidence in this case.

Findings and Recommendations

Allegation A - Offensive Language: On December 19, 2017, over the telephone, Police Officer Dawn Mabry-Gibbs made remarks to § 87(2)(b) based upon race.

§ 87(2)(b) who was applying to become a School Safety Agent, was contacted by telephone by PO Mabry-Gibbs. PO Mabry-Gibbs told § 87(2)(b) that she was in charge of his hiring, and that she would be his investigator for the process. PO Mabry-Gibbs’ tone over the telephone was hostile and aggressive, and she told him that there were problems with his application. § 87(2)(b) explained that he used an Apple Mac computer, and that the application seemed like it would run better on a Windows computer. PO Mabry-Gibbs repeatedly stated, “You people always do this.” § 87(2)(b) asked PO Mabry-Gibbs what she meant by “you people,” and told her that he felt her comment was racial, and PO Mabry-Gibbs did not reply or explain what she meant.

PO Mabry-Gibbs stated that she told § 87(2)(b) that his application was not completed properly. PO Mabry-Gibbs asked what kind of computer he used, as the police department’s systems were dated, and § 87(2)(b) stated that he used an Apple Mac computer. PO Mabry-Gibbs told § 87(2)(b) that that was probably why he had an issue, and recommended that he do it again with a different computer. § 87(2)(b) seemed to understand the information, but it seemed as if it was a big deal for him to use a different computer, stating, “Well, this is the computer that I have.” PO Mabry-Gibbs told § 87(2)(b) that he saw that the items on the page did not line up, and that he just needed to use a different computer. PO Mabry-Gibbs described § 87(2)(b) as being difficult. PO Mabry-Gibbs responded to § 87(2)(b) being difficult by reiterating the information. PO Mabry-Gibbs did not make the statement, “You people always do this.” § 87(2)(b) did not ask PO Mabry-Gibbs if she had said, “You people,” or what she meant by the statement. PO Mabry-Gibbs stated that she often makes statements such as, “You candidates, you have to read,” when speaking with candidates; however, she did not recall if she made this statement when speaking with § 87(2)(b) PO Mabry-Gibbs did not recall if § 87(2)(b) became upset with her use of the phrase, “You candidates.”

§ 87(2)(g)

Allegation B - Discourtesy: On January 29, 2018, inside of 235 East 20th Street, Police Officer Dawn Mabry-Gibbs spoke discourteously to § 87(2)(b)

On January 29, 2018, § 87(2)(b) arrived at 235 East 20th Street at 9:30 a.m. to meet with PO Mabry-Gibbs. PO Mabry-Gibbs met § 87(2)(b) and brought him upstairs to the 4th floor to a room where other officers were interviewing candidates for the school safety officer role. § 87(2)(b) took out the paperwork PO Mabry-Gibbs had instructed him to bring. § 87(2)(b) had two copies of the paperwork, so that he could give one to PO Mabry-Gibbs, and keep one copy for himself. PO Mabry-Gibbs grabbed both copies of the paperwork, and told § 87(2)(b) that he had completed the paperwork incorrectly. § 87(2)(b) again explained that he had used an Apple Mac computer to do the paperwork, and asked if there was a Windows computer he could use. PO Mabry-Gibbs told § 87(2)(b) that he was a “piece of shit,” and referred to him as a “fat fuck.” Det. Yuseff Hamm approached and told PO Mabry-Gibbs that Mac users often have errors in filling out the application, and told PO Mabry-Gibbs that § 87(2)(b) could complete the paperwork at the stationhouse that day. PO Mabry-Gibbs told Det. Hamm that § 87(2)(b) needed to go home and do the paperwork again himself, and Det. Hamm walked away. PO Mabry-Gibbs told § 87(2)(b) to stay seated in the room. For the next three hours, PO Mabry-Gibbs walked in and out of the room, gradually returning paper that § 87(2)(b) had given to her. As PO Mabry-Gibbs walked in and out of the room, she repeatedly asked § 87(2)(b) what the “fuck” he was looking at. At approximately 3:30 p.m., PO Mabry-Gibbs told § 87(2)(b) that she was finished and he could leave. PO Mabry-Gibbs walked § 87(2)(b) downstairs. § 87(2)(b) tried to shake PO Mabry-Gibbs’ hand as he left, and PO Mabry-Gibbs ignored him, and walked back upstairs.

PO Mabry-Gibbs stated that she went downstairs to meet § 87(2)(b) and brought him upstairs to be interviewed. PO Mabry-Gibbs was feeling a little ill, so she did not shake his hand. PO Mabry-Gibbs brought § 87(2)(b) into an interview room. The interview room was large and there were multiple interviews going on at the same time. PO Mabry-Gibbs started the interview process and went through the paperwork with § 87(2)(b). The paperwork was still filled out incorrectly, so she could not properly conduct the interview. PO Mabry-Gibbs did not know if § 87(2)(b) did not understand the information that she had told him on December 19th, 2017, or if he was being difficult. PO Mabry-Gibbs only asked § 87(2)(b) about questions that were in the book. § 87(2)(b) gave PO Mabry-Gibbs a problem with every question that she asked him. § 87(2)(b) was looking at PO Mabry-Gibbs weirdly during the interview, was slouching in his chair, and had his legs wide open. PO Mabry-Gibbs thought it was weird that § 87(2)(b) was acting in this way during a professional interview. PO Mabry-Gibbs told § 87(2)(b) “You do realize that you’re on an interview, you need to conduct yourself in a professional way.” § 87(2)(b) did not respond to this statement and continued looking at PO Mabry-Gibbs in a strange way. PO Mabry-Gibbs asked § 87(2)(b) if he was okay and if he was alright. § 87(2)(b) did not respond to this statement and continued to look at PO Mabry-Gibbs. § 87(2)(b) did respond verbally at some point; however, PO Mabry-Gibbs did not recall what he said. There was no further discussion about the Mac/Windows computer formatting problem after PO Mabry-Gibbs explained it. § 87(2)(b) was being difficult throughout the interaction and PO Mabry-Gibbs

Gibbs responded by speaking sternly. PO Mabry-Gibbs did not use any profanity while speaking with § 87(2)(b). PO Mabry-Gibbs did not call § 87(2)(b) a “piece of shit.” PO Mabry-Gibbs did not tell § 87(2)(b) that he was a “fat fuck.” PO Mabry-Gibbs did not ask § 87(2)(b) “What the fuck are you looking at?” During the interview, Det. Youssef Hamm came over and asked PO Mabry-Gibbs a question. Det. Hamm did not have any discussion with § 87(2)(b). PO Mabry-Gibbs did not believe that Det. Hamm told § 87(2)(b) that Mac users often have problems with the application.

Det. Hamm did not recall going over to PO Mabry-Gibbs’ table while § 87(2)(b) was being interviewed, but stated that it was possible that he did. Det. Hamm did sometimes go to the interview rooms to answer administrative questions, deal with computer issues, or to notarize paperwork as he was a notary public. Det. Hamm did not recall if § 87(2)(b) had any administrative or computer issues. Det. Hamm did not recall PO Mabry-Gibbs having any verbal disputes with any candidates. He stated that she was a mild-mannered police officer. Det. Hamm did not hear PO Mabry-Gibbs use any profanity when speaking with § 87(2)(b). Det. Hamm did not hear PO Mabry-Gibbs tell § 87(2)(b) that he was a “piece of shit.” Det. Hamm did not hear PO Mabry-Gibbs call § 87(2)(b) a “fat fuck.” Det. Hamm did not hear PO Mabry-Gibbs ask § 87(2)(b) what the “fuck” he was looking at. Det. Hamm did not recall PO Mabry-Gibbs having an issue with a candidate over a formatting issue.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- PO Mabry Gibbs has been a member-of-service for 24 years and this is the first CCRB complaint in which she has been a subject.
- This is the first CCRB complaint in which § 87(2)(b) has been a party. **(Board Review 01).**

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation as he never wanted to see the officer again.
- On May 18, 2018, an inquiry was filed with the New York City Comptroller’s Office to locate a notice of claim for § 87(2)(b). Results are pending. **(Board Review 02).**
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 5

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date